

## REMARKS

At the time of the Office Action of March 28, 2007, claims 1-7 were pending in this application. In this Amendment, claim 1 has been amended, claim 2 canceled, and new claim 8 added. Care has been exercised to avoid the introduction of new matter. Specifically, claim 1 has been amended to include the limitations recited in claim 2, and new claim 8 has been presented to recite the limitation deleted from claim 1. It is noted that claim 1 includes the changes made by the Examiner's amendment (see paragraph 3 of the Office Action).

Claims 1 and 3-8 are now active in this application, of which claim 1 is independent.

## Finality

Although the Office Action Summary indicates that this action is FINAL, Applicants understand that this Office Action is non-final because of the Request for Continued Examination filed December 21, 2006 (see paragraph 1 of the Office Action). Applicants appreciated Examiner Diacou's confirmation on April 30, 2007, that this Office Action is non-final.

## The Rejection of Claim 2

The Office Action Summary states that claim 2 is rejected. However, the Office Action does not provide any substantial reason why claim 2 should be rejected.

Applicants acknowledge, with appreciation, Examiner Diacou's courtesy and professionalism in conducting a telephone interview on June 11, 2007, during which the status of claim 2 was discussed. It is Applicants' understanding that Examiner Diacou agreed that the

Office Action does not provide any reason to maintain the rejection of claim 2, and thus, a next Office Action, if issued, will be non-final if claim 2 is rejected.

Applicants note that independent claim 1 recites the limitation of canceled claim 2, and believe that the references cited in this Office Action do not disclose or suggest the limitation of claim 2.

### **The Rejection of Claims 1 and 3-7**

Claims 1 and 3 have been rejected under 35 U.S.C. §102(b) as being anticipated by Tsuzaki et al.; claims 4, 6, and 7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Fermann in view of Agrawal and Stolen;<sup>1</sup> and claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuzaki et al. in view of Akasaka.

Applicants submit that the above rejections of the claims have been rendered moot by the amendment of independent claim 1 to include the limitation recited in claim 2. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consideration thereof.

### **New Claim 8**

Applicants believe that dependent claim 8 is patentably distinguishable over the cited references at least because it includes all the limitations recited in independent claim 1. Favorable consideration is respectfully solicited.

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<sup>1</sup> The references cited to reject claims 4, 6, and 7 appears to be wrong. Since the claims are dependent on claim 1, it appears that Tsuzaki et al. should also have been cited to reject claims 4, 6, and 7.

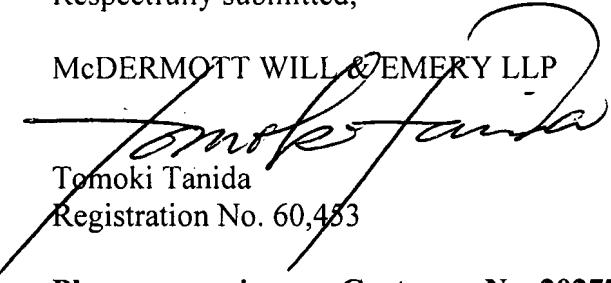
**Conclusion**

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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WDC99 1415880-1.050212.0577